THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR.JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO. 2013 OF 2005.

Between

1.The Regional Manager, HPCL, Box No.5

130/1, Sabestian road, Secunderabad and

3 others

….Appellants

And

1.Mekala Venkata Nageswara Rao

son of Subba Rao,aged 40 yrs,

Secretary,Tadepalli Area Motor Lorry

& HPC, BPC, IOC Tankers Workers

Union,Tadepalli, Guntur district and

10 others.

…Respondents

–

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up

for disposal.

This appeal is filed against the order dated 14-06-2005 in W.P.M.P.No.9375 of 2005 in W.P.No.11337 of 1998 which was filed much subsequent to filing of the counter affidavit in the main writ petition filed by the contesting respondents.

In the writ petition, a question is involved in regard to extension of benefits under the provisions of Contract Labour (Regulation and Abolition) Act, 1970 and an interim direction was given only not to fill up the posts through the Employment Exchange.

The learned counsel for the appellants submits that no opportunity was given to them to file counter affidavit. Therefore, the present application was filed which was based upon the similar benefit extended to one Mr.S.K.Khasim and others.

Having considered the submissions made and on perusal of record, it is seen that the present application is filed much later to the counter affidavit filed in the main writ petition wherein there is absolutely no allegation in regard to the extension of benefits to the similarly placed persons viz., S.K.Khasim and others. In view of the same, it would suffice in the interest of justice to give an opportunity to the appellants to file counter affidavit and the application can be disposed of afresh on merits.

Accordingly, the writ appeal is allowed. The appellants shall file counter affidavit within two weeks from today and office is directed to post the W.P.M.P. before the learned single Judge for fresh disposal. No costs.

B.PRAKASH RAO, J

Dated: 18-10-2005.

G.YETHIRAJULU, J

Hsd